



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING SUPPORT FOR THE DECISION BY THE UNITED STATES FISH AND WILDLIFE SERVICE TO DELIST THE GRAY WOLF AND URGING THE MONTANA DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO DEFEND THE DECISION TO DELIST THE GRAY WOLF AGAINST ANY LEGAL CHALLENGE.

WHEREAS, in 2002, the gray wolf population in Montana, Idaho, and Wyoming achieved the biological requirement of a minimum of 30 breeding pairs and at least 300 wolves in a metapopulation in the Northern Rocky Mountains, a threshold established by the United States Fish and Wildlife Service to conclude that the gray wolf is recovered and should be delisted; and

WHEREAS, the tri-state wolf population has remained on the rise with an estimated 107 breeding pairs and 1,513 wolves total at the end of 2007, including an estimated 39 breeding pairs and 422 wolves in Montana; and

WHEREAS, the Montana Department of Fish, Wildlife, and Parks has developed a wolf management plan that is broadly supported by people in the state and has been approved by the United States Fish and Wildlife Service as a plan that will maintain a secure, viable population of gray wolves in Montana after they are removed from the federal endangered species list; and

WHEREAS, the Montana Department of Fish, Wildlife, and Parks is committed to the recovery of the gray wolf and is prepared to assume full responsibility for the management of this native species; and

WHEREAS, state management of the gray wolf is the preferred alternative to federal management of resident wildlife; and

WHEREAS, the United States Fish and Wildlife Service first delisted the gray wolf, effective March 28, 2008, but its decision was prevented from taking effect when the United States District Court in Missoula enjoined the decision on July 18, 2008, and the United States Fish and Wildlife Service requested that the court vacate the final federal rule to delist the gray wolf and remand it back to the service, a request granted by the court on October 14, 2008, officially relisting the gray wolf as an endangered species; and

WHEREAS, the United States Fish and Wildlife Service has completed the reevaluation of its proposal

to delist the gray wolf, has reevaluated the wolf management plans proposed by the states of Montana, Wyoming, and Idaho that would take effect upon delisting, has accepted public comment on those plans, has determined that, although Wyoming's plan is not sufficient to conserve Wyoming's portion of the recovered Northern Rockies wolf population, the plans of Montana and Idaho are sufficient to again delist the gray wolf in Montana and Idaho; and

WHEREAS, President Barack Obama put a hold on certain policy decisions made by the administration of former President George W. Bush, including the decision to delist the gray wolf, so that they could be reviewed; and

WHEREAS, on March 6, 2009, the administration of President Barack Obama affirmed the decision of the United States Fish and Wildlife Service to delist the gray wolf; and

WHEREAS, the decision by the United States Fish and Wildlife Service to again delist the gray wolf is expected to face legal challenges and be delayed in court.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 61st Legislature:

- (1) energetically supports the transfer of management of the gray wolf to the state of Montana;
- (2) defends the efforts of the Montana Department of Fish, Wildlife, and Parks and the United States Fish and Wildlife Service to remove the gray wolf from the federal and state endangered species lists;
- (3) urges President Barack Obama and his administration to fully implement the decision of the United States Fish and Wildlife Service to delist the gray wolf because the population is recovered and Montana's plan and laws to manage wolves are federally approved and will maintain a recovered, delisted population;
- (4) if the decision to delist the gray wolf is challenged in court, urges the Montana Department of Fish, Wildlife, and Parks to vigorously defend its actions and information used to support the delisting of the gray wolf; and
- (5) should the decision to delist the gray wolf be overturned in court, urges the Montana Department of Fish, Wildlife, and Parks to find a viable proposal to delist the gray wolf as soon as possible.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States, the Montana Congressional Delegation, the Majority Leader of the United States Senate,

the Speaker of the United States House of Representatives, the Secretary of the United States Department of the Interior, and the Director of the United States Fish and Wildlife Service.

- END -

I hereby certify that the within joint resolution,
SJ 0015, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2009.

Speaker of the House

Signed this _____ day
of _____, 2009.

SENATE JOINT RESOLUTION NO. 15

INTRODUCED BY TUTVEDT, GEBHARDT, STEINBEISSER

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